52 Geo III
Cap 129 Public Act

(349)

(W. 1)

B. S. 192 92 (129)

21

AN

ACT

FOR

Amending, widening, and keeping in Repair, the Road leading from *Swanſpool Bridge*, in the City of *Peterborough*, to the Town of *Thorney*, in the *Iſle of Ely*, in the County of *Cambridge*; and for altering the Courſe of ſome Part of the ſaid Road.

WHEREAS the Road leading from *Swanſpool Bridge*, in the City of *Peterborough*, to the Town of *Thorney*, in the *Iſle of Ely*, and County of *Cambridge*, is greatly out of Repair, and in many Parts thereof paſſes through very narrow Lanes and upon low Grounds, and the ſame cannot be effectually widened, repaired, and rendered ſafe and commodious to Travellers, by the ordinary Courſe of Law: Preamble.

May it therefore pleaſe Your MAJESTY,

That it may be Enacted; And be it Enacted, by the KING's Moſt Excellent MAJESTY, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Charles Bowyer Adderley*, *Richard Arnold*, *Richard Benyon*, *Robert Blake*, *John Blake*, *Benjamin Bull*, *John Bailey*, *Henry Bayley*, *William Brown*, *James Barber*, *Bryan Betham*, *Samuel Bowker*, *John*

John Bevis, *John Bull*, *Abraham Beharrell*, *John Bringhurſt*, Clerk, *William Bowker*, *James Blades*, *James Clarke*, Clerk, *Henry Clarke*, *John Cox*, *Henry Cole*, *Thomas Cox*, *John Chambers*, the Honourable *Lionel Damer*, *Francis Dickins*, *Michael Dorſet*, *Daniel Douglas*, *William Dodſon*, *Joſeph Dates*, *John Draper*, *James Devie*, Clerk, *George Edmunds*, *William Ervin*, *Stephen Ervin*, *Samuel Edwards*, *Henry Freeman*, Clerk, *William Freeman*, *John Girdleſtone*, Clerk, *Thomas Goodman*, *Feaſt Goodman*, *John Goude*, *John Hunt*, Clerk, *Nathaniel Hudſon*, *Edward Hare*, *Francis Hopkinſon*, *William Hemment*, *Chriſtopher Hodgſon*, Clerk, *John Hetherington*, *Thomas Hetley*, *Richard Hetley*, *Samuel Edmund Hopkinſon*, Clerk, *Abraham Hake*, *Henry Hinchliffe*, *Edward Hinchliffe*, *James Hurſt*, *George Hart*, *William Hetley*, *Thomas Image*, *Job Johnſon*, *Edward Knipe*, *Edward Laxton*, the Right honourable *Charles William Wentworth Fitzwilliam* commonly called Lord Viſcount *Milton*, *Pank Medmore*, *Charles Moore*, *Thomas Moore*, Clerk, *Daniel Miller*, *Anthony Marſhall*, *Robert Mugliſton*, *John Miller*, *John Manton*, *George Maxwell*, *William Newzam*, *Walden Orme*, *Charles Orme*, the Dean and Prebendaries of the Cathedral Church of *Peterborough* for the Time being, *Thomas Powys*, *Iſaac Pears*, *John Fiſh Palmer*, M. D. *John Pank*, *William Pank*, *George Paul*, *Rogers Parker*, *Robert Pate*, *Simon Porter*, the Right honourable *John Ruſſell* commonly called Lord *John Ruſſell*, the Right honourable *William Ruſſell* commonly called Lord *William Ruſſel*, *Samuel Reynardſon*, *Jacob Reynardſon*, *Henry Matthew Schutz*, D.D. *John Spolding*, *William Smith*, *William Smith* Junior, *William James Smith*, *William Strong*, Clerk, *Peter Smith*, *William Salmon*, *Joſeph Sutton*, *Wright Thomas Squire*, *William Squire*, *Thomas Serocold*, *Edward Still*, *John Serocold*, *Henry Smith*, *Daniel Swift*, *William Drury Skeeles*, Clerk, *John Tayler*, *Carrier Tompſon*, *Benjamin Vinter*, *John Wing*, *William Wing*, Clerk, *James Watſon*, *Thomas Steed Watſon*, *John Withnoe*, *Robert Wright*, *Charles Wright*, Clerk, *Burton Wright*, Clerk, *John Weddred*, Clerk, *Edward Wilkinſon*, and *Thomas Wright*, and their Succeſſors, to be elected in Manner hereinafter mentioned, ſhall be, and are hereby appointed Truſtees for amending, widening, altering, and keeping in Repair the ſaid Road, and for putting this Act in Execution.

Appointment of new Truſtees.

And be it further Enacted, That when any of the Truſtees hereby appointed, or to be elected as hereinafter mentioned, ſhall die, or by Writing under his Hand, to be delivered to the Clerk to the ſaid Truſtees, ſhall refuſe to act, it ſhall and may be lawful for the ſurviving Truſtees, at their General Annual Meeting to be held in purſuance of this Act, by Writing under their Hands, to nominate and appoint a fit Perſon in the Room of every ſuch Truſtee

Truſtee ſo deceaſed or refuſing to act; and every Perſon ſo from Time to Time nominated and appointed, ſhall be joined with the ſurviving Truſtees in the Execution of all the Powers hereby granted; and every ſuch Perſon ſhall and may, and he is hereby authorized to act, to all Intents and Purpoſes, in as full and ample Manner as the Truſtees hereby appointed are impowered to act.

Qualification of Truſtees.

Provided always, That no Perſon ſhall be capable of acting as a Truſtee, in the Execution of this Act, unleſs at the Time of his acting he ſhall be in his own Right, or in the Right of his Wife, in the actual Poſſeſſion and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear Yearly Value of Fifty Pounds, or ſhall be poſſeſſed of or entitled unto a Perſonal Eſtate, or a Perſonal and Real Eſtate together, of the Amount or Value of One thouſand Pounds, or be Heir Apparent of a Perſon poſſeſſed of an Eſtate in Lands, Tenements, or Hereditaments of the clear Yearly Value of One hundred Pounds; and if any Perſon, not being qualified as aforeſaid, ſhall preſume to act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon who ſhall ſue for the ſame, to be recovered in any of His Majeſty's Courts of Record, by Action of Debt, or on the Caſe; and the Perſon ſo proſecuted ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, upon Proof being made, on the Part of the Plaintiff, that ſuch Perſon hath acted as a Truſtee in the Execution of this Act.

Truſtees Meetings.

And be it further Enacted, That the ſaid Truſtees ſhall meet together at the *Angel Inn*, in *Peterborough* aforeſaid, on the Second Day of *June* One thouſand Seven hundred and Ninety-two, between the Hours of Ten and Eleven in the Forenoon, and then proceed to the Execution of this Act; and ſhall and may then, and from Time to Time afterwards, adjourn themſelves to, and meet at the Place aforeſaid, or at any other convenient Place within the ſaid City of *Peterborough*, or in the Town of *Thorney*, or the Town of *Eye*, and ſhall alſo hold a General Meeting at ſome Public Houſe in the ſaid City, on the Second *Tueſday* in *May* Yearly; and if there ſhall not appear, at the Time and Place which ſhall at any Time be appointed for any Meeting of the ſaid Truſtees, a ſufficient Number of the ſaid Truſtees to put this Act in Execution, a Majority of the ſaid Truſtees who ſhall be then preſent may adjourn the Meeting to another Day; and in caſe of any Neglect or Omiſſion to adjourn, the Clerk to the ſaid Truſtees, by Direction of any Three or more of them,

them, ſhall call a Meeting of the ſaid Truſtees to be holden at the Place where the laſt Meeting was appointed to be held, giving Notice thereof in Writing, to be put up on the Two Turnpike Gates to be erected acroſs the ſaid Road as hereby directed, Fourteen Days at leaſt before ſuch Meeting; and that at all Meetings to be held in purſuance of this Act, the ſaid Truſtees ſhall defray their own Expences; and no Orders or Determinations of the ſaid Truſtees in Execution of this Act ſhall be valid unleſs made or done at ſome Meeting to be held by virtue of this Act, except the giving Directions for the calling of Meetings as aforeſaid, and ſuch other Caſes as hereby otherwiſe particularly mentioned; and that ſuch of the ſaid Truſtees as are Juſtices of the Peace may act as Juſtices in the Execution of this Act, notwithſtanding their being Truſtees, except only in Caſes where they ſhall be perſonally intereſted; and that in all Caſes where Cognizance of any Matter is given by this Act to any Juſtice or Juſtices of the Peace, it ſhall be lawful for ſuch Juſtice or Juſtices to adminiſter an Oath to any Perſon or Perſons, for more certain Information in the Matter depending; and in all Caſes where the ſaid Truſtees are hereby authorized to bring or inſtitute any Action at Law, the ſame ſhall and may be brought or inſtituted in the Name of the Treaſurer or Clerk to the ſaid Truſtees, and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon in whoſe Name ſuch Action ſhall be brought, or by any Act to be done by him without the Conſent of the ſaid Truſtees.

Powers of the Act to be exercised by the Majority at Meetings.

And be it further Enacted, That all the Powers and Authorities by this Act granted to or veſted in the ſaid Truſtees, ſhall from Time to Time be executed by the major Part of them preſent at any public Meeting to be holden as herein directed, ſuch Meeting conſiſting of Five Truſtees at the leaſt, in all Caſes where a greater Number is not required by this Act; and that a Chairman ſhall and may be appointed, and in caſe of an equal Number of Votes upon any Queſtion (including the Chairman's Vote) the Chairman ſhall have the caſting Vote; and that no Order made by the ſaid Truſtees, at any of their Meetings, ſhall be revoked or altered, except at ſome Meeting to be held for that Purpoſe, of which Seven Days Notice ſhall be given upon the Turnpike Gates to be erected acroſs the ſaid Road as hereinafter directed, expreſſing the Purpoſe of ſuch Meeting, and alſo unleſs a greater Number of Truſtees ſhall attend at ſuch Meeting than were preſent at the Meeting at which ſuch Order was made; any Thing in this Act contained to the contrary thereof notwithſtanding.

And be it further Enacted, That the ſaid Truſtees ſhall and may cauſe to be erected a Turnpike acroſs the ſaid Road, at or near to a Gate, called *Edgerly Gate*, being the Boundary or Diviſion between the Pariſh of *Saint John Baptiſt, Peterborough*, in the County of *Northampton*, and the Pariſh of *Eye*, in the ſame County, and one other Turnpike acroſs the ſaid Road, at or near to a Place called *Thorney Cauſeway End*, being the Boundary or Diviſion between the ſaid Pariſh of *Eye* and the Pariſh of *Thorney* aforeſaid, and alſo ſuch other Turnpikes on the Sides of the ſaid Road, acroſs any public or common Lane or Way leading into the ſame, as they the ſaid Truſtees ſhall from Time to Time think proper, for the Purpoſes of this Act; and ſhall alſo cauſe to be erected or provided a Toll Houſe upon or adjoining to the ſaid Road, or ſuch Ways leading into the ſame, at or near each of the Places where the ſaid Turnpikes ſhall be erected; and the Tolls following ſhall be paid by the Perſon or Perſons attending any Cattle or Carriage, at every ſuch Turnpike as aforeſaid, to ſuch Perſon or Perſons as they the ſaid Truſtees ſhall, in ſuch Manner as is hereinafter mentioned, appoint to collect or receive the ſame, before any Horſe or other Cattle ſhall paſs through the Turnpike; (that is to ſay)

Power to erect Turnpikes.

For every Horſe, Mare, Gelding, Mule, Aſs, Ox, Bullock, or other Beaſt of Draught, drawing any Carriage, Three Pence:
For every Horſe, Mare, Gelding, Mule, Aſs, or other Beaſt of Burthen, not drawing, One Penny Halfpenny:
For every Drove of Oxen, Cows, or Neat Cattle, the Sum of Ten Pence *per* Score; and ſo in Proportion for any greater or leſs Number: And
For every Drove of Calves, Hogs, Sheep, or Lambs, the Sum of Five Pence *per* Score; and ſo in Proportion for any greater or leſs Number:

Tolls.

Which ſaid reſpective Sums of Money ſhall be demanded and taken in the Name of and as a Toll, and ſhall be and are hereby veſted in the ſaid Truſtees; and if any Perſon or Perſons, ſubject or liable to the Payment of any of the ſaid Tolls, ſhall, after Demand thereof made, neglect or refuſe to pay the ſame, or any Part thereof, it ſhall be lawful for the Perſon or Perſons who ſhall be appointed as aforeſaid to collect or receive ſuch Tolls, to ſeize, diſtrain, and keep any Horſe or Horſes, or other Cattle, upon or in reſpect of which ſuch Toll is by this Act impoſed, together with their Bridles, Saddles, Geers, Harneſs, or Accoutrements, or their Loading, or any Carriage with its Loading, drawn by ſuch

Horſe or Horſes or other Cattle, or any of the Goods and Chattels of ſuch Perſon or Perſons ſo neglecting or refuſing to pay the ſame; and if ſuch Tolls, and the reaſonable Charges of ſuch ſeizing, diſtraining, and keeping ſuch Cattle, Carriage, Goods, and Chattels, ſhall not be paid within the Space of Four Days from the Time of making ſuch Seizure and Diſtreſs, the Perſon or Perſons ſo making ſuch Diſtreſs ſhall and may ſell the Horſe or Horſes, Cattle, Carriage, Goods, or Chattels ſo diſtrained, or a ſufficient Part thereof, for Diſcharge of ſuch Tolls, with the Charges of ſeizing, diſtraining, keeping, and ſelling ſuch Diſtreſs, rendering the Overplus of the Money (if any there be) upon Demand, to the Owner of ſuch Horſe or Horſes, Cattle, Carriage, Goods, and Chattels, after ſuch Tolls, and the Charges of taking, keeping, and ſelling ſuch Diſtreſs, ſhall be deducted.

Tolls payable but Once a Day.

Provided always, That no Perſon or Perſons ſhall be ſubject to or charged with the Payment of any Toll hereby granted, more than Once in any One Day (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the ſucceeding Night) for the paſſing and repaſſing of the ſame Horſe or other Cattle through all or any of the Turnpikes to be erected by virtue of this Act; but that all and every Perſon and Perſons, after having paid Toll Once for paſſing through any of the ſaid Turnpikes as aforeſaid, ſhall, during the Remainder of the ſame Day, be entitled to a Paſſage through all or any of the ſaid Turnpikes, for the ſame Horſe or other Cattle, any Time or Times, Toll free, upon producing a Ticket to the Collectors at ſuch reſpective Turnpikes, denoting the Payment of ſuch Toll; which Tickets the Collectors of the ſaid Tolls are hereby required to deliver *gratis*, on Receipt of ſuch Toll.

Tolls may be leſſened.

Provided always, and be it further Enacted, That it ſhall and may be lawful for the ſaid Truſtees, at any Time, with the Conſent of the Perſon or Perſons who ſhall be entitled to Three Fourth Parts at leaſt of the Money that ſhall then be due on the Credit of the ſaid Tolls, to leſſen or reduce all or any of the Tolls by this Act granted, for ſuch Time as the ſaid Truſtees ſhall think proper; and the ſaid Truſtees may at any Time afterwards, when there ſhall be Occaſion, advance all or any of the ſaid Tolls ſo leſſened to any Sum or Sums, not exceeding the reſpective Sums hereinbefore granted; and the ſaid Truſtees ſhall have ſuch and the ſame Power for levying and recovering the Tolls ſo to be leſſened, or again advanced, as is hereinbefore given for levying and recovering the Tolls hereinbefore granted.

Provided always, That no Toll ſhall be demanded or taken, by virtue of this Act, for the Paſſage of any Cattle or Carriage which ſhall be employed in conveying any Stones, Gravel, or other Materials for repairing any public Road or Highway, or any Stones or other Materials for Building, in any Pariſh through which the Road by this Act directed to be repaired doth lie, and in which ſuch Materials ſhall be dug or gotten; or in conveying any Lime, Dung, Mould, Soil, or other Compoſt for manuring of Lands, Gardens, or other Ground, or Gravel for the Uſe of Gardens, in any Pariſh through which the ſaid Road doth lead, ſuch Lime, Mould, Soil, or other Compoſt or Gravel, being the Produce of ſuch Pariſh, or of ſome Common belonging thereto; or for any Cattle or Carriage that ſhall be uſed or employed in plowing, ſowing, tilling, cultivating, or ſtocking any Land or Ground lying in ſome Pariſh in which ſome Part of the ſaid Road doth lie, or ſome Common belonging thereto, and not going or paſſing out of the ſame Pariſh, except to or from ſuch Common; or in the Conveyance of any Hay, Straw, or Corn in the Straw, to be laid up in the Houſes, Outhouſes, Barns, Homeſteads, or Yards of the reſpective Inhabitants or Occupiers of Lands within the Pariſhes in which the ſaid Road doth lie, being the Growth and Produce of Lands held and occupied by ſuch Inhabitants or Occupiers within ſuch reſpective Pariſhes, or any Common belonging thereto, and carried for their own proper Uſe and Conſumption, and not for Sale; or in the Conveyance only of Ploughs, Harrows, or Implements of Huſbandry, or Things uſed therein, belonging to, or to be uſed by any ſuch Inhabitant or Occupier, and not going out of the Pariſh wherein ſuch Inhabitant reſides, except to or from ſuch Common; or for any Horſe or other Cattle going to or returning from any of the Employments aforeſaid, unladen, or drawing any empty Carriage, when uſed for thoſe Purpoſes only; nor ſhall any Toll be taken for any Horſes or Cattle going to or returning from Water, Common, or Paſture, within or belonging to the Pariſh where the Owner of ſuch Horſes or Cattle doth uſually dwell, or ſuch Horſes or Cattle are uſually kept; or for the Horſes or Cattle of any Inhabitants or Occupiers of Lands, in any Pariſh in which any Part of the ſaid Road doth lie, going to be ſhoed or farried, or returning therefrom, and not travelling out of ſuch Pariſh; or for any Horſe employed in carrying Griſt to or from any Mill, being for the Uſe or Conſumption of the Owner of ſuch Griſt, reſiding in the Pariſh wherein ſuch Mill ſhall be ſituate, and not for Sale; or for any Horſes employed in conveying the Mails of Letters and Expreſſes under the Authority of His Majeſty's

Exemptions.

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Majeſty's Poſt Maſter General; or for or in reſpect of any Horſe or other Beaſt carrying or conveying any of the Inhabitants of the ſaid Pariſhes, on a *Sunday*, to or from any Church, Chapel, or other Place of Religious Worſhip within the Pariſh wherein they reſide; or attending the Funeral of any Perſon who ſhall die and be buried within any one of the ſaid Pariſhes; or carrying or conveying any Clergyman, or licenſed Miniſter; going to or returning from viſiting any ſick Perſon, or upon other his Parochial or Miniſterial Duty, within the Pariſh wherein he reſides, or for any Horſes belonging to Officers or Soldiers upon their March, or upon Duty; or for any Horſes, or other Beaſts, employed in carrying or conveying the Arms or Baggage of any ſuch Officers or Soldiers, or in carrying any ſick, wounded, or diſabled Officers or Soldiers; or in the paſſing of Vagrants with lawful Paſſes: And if any Perſon ſhall claim and take the Benefit of any of the Exemptions aforeſaid, not being entitled to the ſame, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Forty Shillings.

Penalty on Perſons going or admitting others through private Paſſages.

And be it further Enacted, That if any Perſon or Perſons ſhall, with any Horſe or other Cattle, Coach, Waggon, or other Carriage, paſs over or through any Land or Ground, Gate, Paſſage, or Private Way, adjoining to, or lying by the Side of, or near to any Part of the ſaid Road, over or through which Land, Ground, Gate, Paſſage, or Private Way ſuch Perſon or Perſons hath or have no Right to go; or if any Owner or Occupier of any ſuch Land, Ground, Gate, Paſſage, or Private Way ſhall knowingly or willingly permit or ſuffer any ſuch Perſon or Perſons, with any Horſe or other Cattle, or any Coach, Waggon, or other Carriage, to paſs through the ſame, whereby the Payment of any of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall give to or receive from any other Perſon or Perſons, or forge or counterfeit any Ticket by this Act directed to be given by the Collectors of the ſaid Tolls, whereby the Payment of the ſaid Tolls, or any Part thereof, ſhall be avoided; or if any Perſon or Perſons ſhall forcibly paſs through any Turnpike to be erected by virtue of this Act, with any Horſe or other Cattle, without Payment of Toll, or ſhall take off, or cauſe to be taken off, any Horſe or other Cattle from any Carriage, with an Intent to avoid paying any of the ſaid Tolls, or any Part thereof, or ſhall leave or cauſe to be left, upon or near to any Part of the ſaid Road, any Carriage, Horſe, or other Cattle, with ſuch Intent as aforeſaid, every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall for every ſuch Offence forfeit the Sum of Forty Shillings, One Moiety whereof ſhall be paid to the Informer or Informers.

And whereas ſeveral Parts of the ſaid Road lead over Open Fields and Commons, whereby the Payment of the ſaid Tolls may be avoided; **Be it therefore further Enacted**, That the ſaid Truſtees may, and are hereby impowered (if they ſee Occaſion) to cauſe to be made by the Sides of the ſaid Road, or acroſs any ſuch Open Fields and Commons, ſuch Fences as they ſhall think neceſſary, to be ſet up in ſuch Manner and Direction as they ſhall think proper, to prevent the Payment of the ſaid Tolls from being avoided.

Fences made upon Open Grounds, to prevent evading the Tolls.

And whereas, in order the better to prevent evading the Payment of the ſaid Tolls, it will be neceſſary to authorize the ſaid Truſtees to erect a Gate in a certain Lane or Way called *Oxney Lane*, leading through a Farm in the Pariſh of *Saint John Baptiſt, Peterborough*, called *Oxney Farm*, now in the Occupation of *John Pank*, or any other Lane or Way which may hereafter be made to lead through the ſaid Farm, by which the Payment of any Part of the ſaid Tolls may be evaded; **Be it therefore further Enacted**, That it ſhall be lawful for the ſaid Truſtees to cauſe a Gate to be erected acroſs the ſaid preſent Lane or Way, or any other Lane or Way that ſhall be hereafter made to lead through the ſaid Farm as aforeſaid, in ſuch Part thereof as they ſhall think proper, and to cauſe ſuch Gate to be locked, to prevent Travellers evading ſuch Tolls by paſſing through the ſaid Farm, but not to prevent the Owners or Occupiers of the ſaid Farm, for the Time being, their Families, or Servants, or other Perſons going to or from ſuch Farms only with Cattle, and Carriages, from paſſing through the ſaid Gate as often as Occaſion ſhall require, and for that Purpoſe the ſaid Truſtees ſhall cauſe a ſufficient Number of Keys to the ſaid Gate to be delivered to the Occupier of the ſaid Farm when the ſame ſhall be required.

Power to ſtop up a Lane to prevent evading the Tolls.

And be it further Enacted, That the Right and Property of all the Turnpikes and Toll Houſes, and Fences, to be erected and provided for the Purpoſes of this Act, and the Materials for building and making the ſame, and alſo the Materials for making and repairing the ſaid Road, and all the Tools, Implements, and other Things which ſhall be provided or gotten by the ſaid Truſtees for the Purpoſes of this Act, ſhall be and are hereby veſted in the ſaid Truſtees, and they are hereby authorized to bring or cauſe to be brought any Action, or to prefer or cauſe to be preferred any Bill of Indictment, as the Caſe may require, againſt any Perſon or Perſons who ſhall ſteal, take, or carry away, detain, ſpoil, injure, damage, or deſtroy the ſame, or any Part or

Turnpikes, Toll Houſes, &c. veſted in Truſtees.

Parts thereof, or diſturb them, their Agents, or Servants in the Poſſeſſion thereof.

Power to borrow Money.

And be it further Enacted, That it ſhall be lawful to and for the ſaid Truſtees, from Time to Time, by Writing under their Hands and Seals, to aſſign over the Tolls ariſing by virtue of this Act (the Charges of ſuch Aſſignments to be paid out of ſuch Tolls, or the Money to be borrowed on the Credit thereof) for any Time or Term during the Continuance of this Act, as a Security for any Sum or Sums of Money to be by them borrowed for the Purpoſes of this Act, not exceeding in the Whole the Sum of Two thouſand Pounds, to ſuch Perſon or Perſons, or their Truſtees, who ſhall advance the ſame, and to ſecure the Repayment thereof, with Intereſt; and the Money ſo borrowed, and the Tolls to be taken by virtue of this Act, ſhall be paid to the Treaſurer to be appointed by the ſaid Truſtees, and after Payment of the Charges and Expences of procuring and paſſing this Act, ſhall be applied in repairing, widening, and altering the ſaid Road, and in executing the other neceſſary Purpoſes of this Act, and to no other Uſe or Purpoſe whatſoever; and Copies of all and every the Aſſignment or Aſſignments ſo to be made ſhall be regiſtered or entered at Length in a Book to be kept for that Purpoſe by the Clerk or Treaſurer to the ſaid Truſtees, which ſaid Book ſhall and may be peruſed at all ſeaſonable Times by any Aſſignee or Creditor of the ſaid Tolls, without Fee or Reward; but no Money ſhall be borrowed by the ſaid Truſtees, or any of them, upon the Credit of the ſaid Tolls, after the Firſt Meeting of the ſaid Truſtees, unleſs Notice in Writing, ſignifying the Intention of borrowing ſuch Money, under the Hand of the Clerk to the ſaid Truſtees, be put on the Turnpikes to be erected acroſs the ſaid Road at leaſt Fourteen Days before ſuch Money ſhall be borrowed; and no ſuch Aſſignment ſhall be made for a leſs Principal Sum than One hundred Pounds; and all and every Perſon or Perſons to whom any ſuch Aſſignment ſhall be made, or who ſhall be entitled to the Money thereby ſecured, ſhall, in Proportion to the Sums therein reſpectively mentioned, be Creditors of and entitled to the ſaid Tolls, in equal Degree, without any Preference with reſpect to the Priority of advancing any ſuch Money, or the Dates of any ſuch Aſſignments.

Mortgages may be transferred.

And be it further Enacted, That all and every Perſon or Perſons, to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may from Time to Time, by proper Words of Transfer to be indorſed on the Back of his, her, or their Security, or by any other Writing

or

or Writings in the Form or to the Effect hereinafter mentioned, under his, her, or their Hand and Seal or Hands and Seals, to be duly executed in the Preſence of Two or more credible Witneſſes, aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit to the Principal Money and Intereſt thereby ſecured, to any Perſon or Perſons whomſover; *viz.*

" I *A. B.* being entitled to the Sum of
" ſecured to
" by virtue of an Aſſignment, bearing Date the
" Day of under the Hands and Seals
" of of the Truſtees acting in the
" Execution of a certain Act of Parliament, made in
" the Thirty-ſecond Year of the Reign of King *George*
" the Third, intituled, [*ſet forth the Title of the Act*]
" upon the Credit or ariſing out of the Tolls granted by
" the ſaid Act, do hereby transfer all my Right and Title
" in and to the ſame, and the Principal Money and Intereſt
" now due and to grow due thereon, unto *E. F.* his Exe-
" cutors, Adminiſtrators, and Aſſigns. Dated the
" Day of ."

Which ſaid Transfers ſhall be produced and notified to the Clerk to the ſaid Truſtees within Sixty Days after the reſpective Dates thereof, who ſhall cauſe an Entry or Memorial thereof, containing the Dates, Names of the Parties, and Sums of Money mentioned to be transferred thereby, to be entered in the ſaid Book or Books to be kept for entering the ſaid Original Aſſignments, for which the ſaid Clerk ſhall be paid the Sum of Two Shillings and Six Pence, and no more; and after ſuch Entry made of any ſuch Transfer, every ſuch Transfer ſo entered, ſhall entitle the Perſon to whom the ſame ſhall be made, and his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit of the Security thereby transferred; and it ſhall not be in the Power of ſuch Perſon or Perſons who ſhall have made any ſuch Transfer, to make void, relinquiſh, or diſcharge the ſame, or any Monies thereby transferred.

Truſtees to appoint Officers.

And be it further Enacted, That the ſaid Truſtees may and are hereby authorized and impowered from Time to Time to elect and appoint Collectors of the ſaid Tolls, and alſo a Clerk, Treaſurer, and Surveyor or Surveyors of the ſaid Road, and ſuch other Officer or Officers as the ſaid Truſtees ſhall think neceſſary or proper, and ſhall take ſuch Securities from ſuch Collectors, Treaſurer,

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ſurer, and other Officers, for the due Execution of their reſpective Offices, as the ſaid Truſtees ſhall in their Diſcretion think fit, and ſuch Collectors, Clerks, Treaſurers, Surveyors, and other Officers, or any or either of them, from Time to Time, to remove, or diſplace, and to elect and appoint others in the Stead of ſuch of them as ſhall be ſo removed, or ſhall die, Notice thereof being firſt given, and fixed on all the Turnpikes which ſhall be erected acroſs the ſaid Road, of the Time and Place of Meeting for the Election or Appointment of every ſuch Officer, at leaſt Ten Days before ſuch Election; and the ſaid Truſtees may, and are hereby authorized and impowered, by and out of the Monies which ſhall ariſe by virtue of this Act, to allow and pay to every ſuch Collector, Receiver, Clerk, Treaſurer, Surveyor, and other Officer, and to ſuch other Perſon and Perſons as ſhall be aſſiſting in the Execution of this Act, ſuch Salaries, Rewards, and Allowances, for their Attendances, Care, and Services in thoſe Reſpects, as to them the ſaid Truſtees ſhall ſeem reaſonable and convenient; but no Perſon ſhall be capable of holding any Place of Profit under this Act, who ſhall ſell Wine, Cyder, Ale, Beer, or Spirituous Liquors by Retail; and every ſuch Officer to be appointed as aforeſaid ſhall, under his Hand, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, a true and perfect Account in Writing of all Monies which ſhall have been by him received, by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper Vouchers for all ſuch Payments, and ſhall pay all ſuch Money as ſhall remain in his Hands to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint; and every ſuch Officer ſo accounting ſhall, upon Oath if thereunto required by the ſaid Truſtees (which Oath any One of the ſaid Truſtees is hereby impowered to adminiſter) verify ſuch Account; and if any ſuch Officer ſhall refuſe or wilfully neglect to make and render, or to verify upon Oath, any ſuch Account, or to produce and deliver the Vouchers relating to the ſame, or to make Payment as aforeſaid; or ſhall not deliver to the ſaid Truſtees, or to ſuch Perſon as they ſhall appoint, within Fourteen Days next after being thereunto required by Notice in Writing, ſigned by the ſaid Truſtees, and given to or left at the laſt or uſual Place of Abode of ſuch Officer, all Books, Papers, and Writings in his Cuſtody or Power, relating to the Execution of this Act, or give Satisfaction to the ſaid Truſtees reſpecting the ſame, and Complaint ſhall be made thereof, by or on Behalf of the ſaid Truſtees, to any Juſtice of the Peace for the

County

County or Place where ſuch Officer ſhall be or reſide, ſuch Juſtice is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Officer to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a ſummary Way; and if upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs upon Oath, it ſhall appear to ſuch Juſtice that any of the Money that ſhall have been collected and raiſed by virtue of this Act ſhall be in the Hands of or due from ſuch Officer, ſuch Juſtice is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer, and if no ſuch Goods or Chattels can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of diſtraining and ſelling the ſame, or if it ſhall, in Manner aforeſaid, appear to ſuch Juſtice that any ſuch Officer ſhall have refuſed or wilfully neglected to render and give ſuch Account, or to verify the ſame as aforeſaid, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings, relating to the Execution of this Act, ſhall be in the Cuſtody or Power of ſuch Officer, and he ſhall have refuſed or wilfully neglected to deliver or give Satisfaction reſpecting the ſame as aforeſaid, then ſuch Juſtice ſhall commit ſuch Officer to the Common Gaol, or Houſe of Correction, there to remain without Bail or Mainprize, until he ſhall give and make a true and perfect Account and Payment as aforeſaid, or ſhall have compounded with the ſaid Truſtees touching the ſame, and have paid ſuch Compoſition in ſuch Manner as they ſhall appoint (which Compoſition the ſaid Truſtees are hereby impowered to make and receive) and until he ſhall deliver up all ſuch Books, Papers, and Writings as aforeſaid, or give Satisfaction in reſpect thereof as aforeſaid; but no Perſon who ſhall be committed on Account of his not having ſufficient Goods and Chattels as aforeſaid, ſhall be detained in Priſon for any longer Term than Six Calendar Months: Provided always, that as often as it ſhall happen that any Perſon holding any Office or Place under or by virtue of this Act ſhall die, reſign his Office, or be incapable of performing his Duty, it ſhall be lawful for the ſaid Truſtees, or any Three or more of them, though not aſſembled at any Meeting purſuant to this Act, by Writing under their Hands to appoint another Officer in his Place, and the Perſon ſo appointed ſhall have the ſame Power to act in the Execution of this Act as the Perſon in whoſe Place he ſhall be appointed, until the ſaid Truſtees ſhall, at a Meeting to be held in purſuance of this Act, appoint another Officer in the Room of him ſo dying, reſigning,

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or being incapable of performing his Duty as aforeſaid, any Thing herein contained to the contrary notwithſtanding.

Materials. **And be it further Enacted,** That the Surveyor or Surveyors to be appointed as aforeſaid, and ſuch Perſon or Perſons as ſhall be employed by him or them for that Purpoſe, may and is and are hereby authorized and impowered to cut, dig, gather, take, and carry away any Furze, Heath, Thorns, Buſhes, Stones, Gravel, Sand, or other Materials proper for repairing the ſaid Road, in, upon, out of, or from any Waſte Grounds or Commons, River or Brook, in any Pariſh, Town, or Place through which the ſaid Road leads, or adjoining to or lying near the ſaid Road, or in any neighbouring Pariſh, Town, or Place, to be uſed in repairing the ſaid Road, without paying any Thing for the ſame, ſuch Surveyors, or other Perſons, filling up the Pits from which ſuch Materials ſhall be taken, or ſloping the Ground on the Sides thereof, ſo that the ſame may not be dangerous to Paſſengers or Cattle; and alſo the ſaid Surveyor or Surveyors, or other Perſon or Perſons as aforeſaid, may, by Order of the ſaid Truſtees, ſearch for, cut, dig, take, and carry away all ſuch Materials as aforeſaid, in, upon, out of, from, and over the Lands of any Perſon or Perſons (ſuch Lands not being a Yard, Garden, Orchard, Park, Planted Walk, or Avenue to any Houſe, or an incloſed Ground planted and ſet apart as a Nurſery for the Growth of Trees) the ſaid Surveyor or Surveyors, or other Perſon or Perſons, paying or tendering Payment for the Damage done to the Owners and Occupiers, reſpectively, of the Lands from whence, or over which ſuch Materials ſhall be dug or carried away, ſuch Equivalent in Money as the ſaid Truſtees ſhall adjudge reaſonable; and in caſe of any Difference between the ſaid Truſtees, Surveyor or Surveyors, or other Perſon or Perſons appointed and employed as aforeſaid, and ſuch Owners or Occupiers, or any of them, concerning the ſaid Damages, the Juſtices of the Peace for the County, Diviſion, or Place wherein the Cauſe of ſuch Difference ſhall ariſe, at their next General Quarter Seſſions, or at the Second General Quarter Seſſions at the fartheſt, to be holden for ſuch County, Diviſion, or Place, on Eight Days Notice thereof being given in Writing by ſuch Surveyor or Surveyors to ſuch Owner or Occupier, or Owners or Occupiers, or by him or them, to ſuch Surveyor or Surveyors, or to be left at their reſpective Places of Abode, with ſome or one of their reſpective Families, ſhall hear, ſettle, and determine the Matters of the ſaid Damages, and the Judgment or Order of the ſaid Juſtices therein ſhall be final and concluſive to all Parties: Provided nevertheleſs, that it ſhall not be lawful for any Perſon under the Authority of this Act to dig, gather, take,

take, or carry away any Materials for any of the Purpoſes aforeſaid from any incloſed Lands, until Notice in Writing, under the Hands of Five or more of the ſaid Truſtees, ſhall have been given to the Occupier of ſuch Lands, or left for ſuch Occupier at his uſual Place of Reſidence, to appear before the ſaid Truſtees, or Two Juſtices of the Peace acting for the County or Place wherein ſuch Lands ſhall lie, at ſuch Time and Place as ſhall be mentioned in ſuch Notice, to ſhew Cauſe why ſuch Materials ſhall not be had from ſuch Lands; and in caſe ſuch Occupier ſhall attend, purſuant to ſuch Notice, the ſaid Truſtees, or ſuch Juſtices, ſhall, if they think fit, after having heard theMatter, authorize any ſuch Perſon as aforeſaid to dig, gather, take, and carry away ſuch Materials, at ſuch Time or Times as to the ſaid Truſtees, or to ſuch Juſtices, ſhall ſeem proper; and if ſuch Occupier ſhall neglect or refuſe to appear by himſelf, or his Agent, the ſaid Truſtees, or ſuch Juſtices, ſhall and may make ſuch Order therein as they ſhall think fit, as fully and effectually, to all Intents and Purpoſes, as if ſuch Occupier, or his Agent, had attended.

Road may be widened or altered.

And be it further Enacted, That the ſaid Truſtees may and are hereby authorized and impowered to amend and repair the ſaid Road in ſuch Manner and with ſuch Materials as they ſhall think proper, and to pitch or pave any Parts thereof with Pebbles, if they judge it expedient; and alſo to open and widen, and to turn and alter the Courſe of any Part or Parts of the ſaid Road, and to carry and make the ſame in, through, or over any Common, Moor, or Waſte Grounds, without making any Satisfaction for the ſame, and alſo in, through, or over any private Lands or Grounds, firſt making Satisfaction to the Owners of and Perſons intereſted therein, for the Damage they may ſuſtain thereby, and for that Purpoſe it ſhall be lawful for the ſaid Truſtees, from Time to Time, to treat, contract, and agree with the Owners of and Perſons intereſted in any Houſes or other Buildings, or any Lands, for the Purchaſe thereof, or for the Loſs or Damage ſuch Owners or Perſons intereſted, or any of them, ſhall and may anyways ſuſtain by ſuch opening, widening, turning, or altering any Part of the ſaid Road, and it ſhall be lawful for all Bodies Politic and Corporate, and all Huſbands, Guardians, Truſtees, Committees, Executors, and Adminiſtrators, for or on Behalf of themſelves, their Heirs and Succeſſors, and of any Infants, Femes Covert or Ceſtuique Truſts, and for all and every Perſon or Perſons who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in any ſuch Houſes or other Buildings, or Lands, to contract and agree with the ſaid Truſtees for the Satisfaction to be made for ſuch Damages as aforeſaid, or to ſell and convey to them any

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any ſuch Houſes or other Buildings, or Lands, as Occaſion ſhall be or require, and all Contracts, Agreements, Sales, and Conveyances, which ſhall be ſo made, ſhall be valid and effectual in the Law, to all Intents and Purpoſes whatſoever, any Law, Uſage, or other Matter or Thing to the contrary notwithſtanding, and all ſuch Bodies Politic or Corporate, or Huſbands, Guardians, Truſtees, Committees, Executors, and Adminiſtrators, and other Perſons, are and ſhall be hereby indemnified for what they ſhall do by virtue or in purſuance of this Act, but if any ſuch Corporation, Huſbands, Guardians, Truſtees, Committees, Executors, Adminiſtrators, or other Perſons intereſted as aforeſaid, upon Notice to them given, or left in Writing at the Dwelling-Houſes or Places of Abode of ſuch Perſons, or of the principal Officer of any ſuch Corporation, or at the Houſe of the Tenant in Poſſeſſion of any ſuch Houſes or other Buildings, or Lands, ſhall for the Space of Thirty Days next after ſuch Notice refuſe to treat, or ſhall not agree in the Premiſes, or by Reaſon of Abſence, or otherwiſe, ſhall be prevented from treating or agreeing, then the Value of ſuch Houſes and other Buildings, and Lands, and ſuch Damage and Satisfaction, ſhall be enquired into and aſcertained by a Jury at ſome General Quarter Seſſion of the Peace for the County or Place wherein ſuch Houſes or other Buildings, or Lands, ſhall be ſituate, and the Juſtices at ſuch Seſſion ſhall and are hereby authorized and required, upon Application made to them for that Purpoſe by any of the ſaid Truſtees, or their Treaſurer or Clerk, to charge a Jury, and to cauſe them to be ſworn well and truly to enquire into and aſcertain ſuch Value, Damage, and Satisfaction as aforeſaid, to which ſaid Jury any of the Parties intereſted ſhall have their lawful Challenges when they come to be ſworn; and any Juſtice of the Peace for ſuch County or Place, is hereby authorized and impowered, upon Application to him by any of the Parties intereſted, by Warrant under his Hand and Seal, to call before the Juſtices at ſuch Seſſion any Perſon or Perſons who ſhall be thought proper to be examined concerning the Premiſes, and the ſaid Jury upon their Oaths ſhall enquire touching the Value of ſuch Houſes or other Buildings, or the Amount of ſuch Damage, and ſhall aſcertain the Satisfaction to be made for the ſame, and the ſaid Juſtices ſhall and may give Judgment for the Money ſo to be aſcertained; which Verdict of the ſaid Jury, and the Judgment thereupon, ſhall be binding and concluſive to all Intents and Purpoſes, upon all Parties intereſted, and ſhall be fairly entered and kept amongſt the Records of the Quarter Seſſions for ſuch County or Place: Provided nevertheleſs, that previous to any ſuch Application to the Quarter Seſſions aforeſaid, Ten days Notice

at

at the leaſt ſhall be given in Writing to the Owner, or other Perſon or Perſons intereſted in ſuch Houſes or other Buildings, or Lands, as aforeſaid, by the Clerk or Treaſurer to the ſaid Truſtees, of ſuch intended Application to the ſaid Quarter Seſſions, and the Juſtices at any ſuch Seſſion have hereby full Power to impoſe any reaſonable Fine on any Perſon, who being ſummoned in Manner aforeſaid to give Evidence before the ſaid Juſtices touching the Premiſes, ſhall refuſe or neglect to appear, or appearing ſhall refuſe to be examined and give Evidence, ſo as no ſuch Fine ſhall exceed the Sum of Five Pounds for one Offence.

Upon Payment of the Purchaſe Money, the Land to be laid into the Road.

And be it further Enacted, That every Sum of Money or Recompence to be agreed for or aſſeſſed as aforeſaid, ſhall be paid out of the Tolls or other Money ariſing by virtue of this Act, to the Perſon or Perſons entitled thereto, or to his, her, or their Agent or Agents, and upon Payment thereof, or (in caſe of Refuſal to accept the ſame, or the Parties not being to be met with) upon leaving the ſame in the Hands of the Treaſurer to the ſaid Truſtees, for the Uſe of ſuch Perſon or Perſons, and after Three Months Notice thereof given to ſuch Perſon or Perſons, or his, her, or their Agent or Agents, or left at his, her, or their, or any of their uſual Place or Places of Abode, or with the Tenant in Poſſeſſion of the Houſes or other Buildings, or Lands, it ſhall be lawful for any Perſon or Perſons, authorized by Writing under the Hands of any Five or more of the ſaid Truſtees, to take down ſuch Houſes or other Buildings, and to cauſe the Scites thereof, or any Part thereof, and alſo any ſuch Lands as aforeſaid to be laid into and made Part of the ſaid Road, in ſuch Manner, and ſo as to make the ſame of ſuch Width (not exceeding Forty Feet) as the ſaid Truſtees ſhall direct, and ſuch Road ſhall be ſufficiently ditched, fenced, and ſet out for that Purpoſe, and ſhall, to all Intents and Purpoſes, become and be deemed and taken to be a Common Highway, and ſhall from thenceforth for ever be deemed Part of the Road by this Act directed to be amended, widened, altered, and kept in Repair, and all Parties and Perſons ſhall for ever thereafter be diveſted of all Right and Title to ſuch Houſes or other Buildings, or Lands; and whenever the ſaid Road ſhall be altered as aforeſaid, the Land conſtituting the old or former Road ſhall be veſted in the ſaid Truſtees, and ſhall or may be ſtopped up or left unrepaired, or ſhall be by them ſold and diſpoſed of to any Perſon or Perſons for the beſt Price that can be reaſonably gotten for the ſame, and the Money ariſing by ſuch Sale ſhall be applied for the Purpoſes of this Act; and the Conveyance to be made of ſuch Land, being executed by any Five or more of the ſaid Truſtees,

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and enrolled with the Clerk of the Peace, ſhall be good and effectual in the Law to all Intents and Purpoſes whatſoever.

No Houſe, &c. to be damaged.

Provided always, That in widening, or turning, or altering the Courſe of any Part of the ſaid Road, nothing ſhall be done which ſhall or may in anyways injure or damage any Houſe or other Building, or any Yard, Garden, Orchard, Park, Plantation or Nurſery of Trees, or any Walk of Trees, or Avenue to any Houſe, unleſs the Owner or Proprietor thereof ſhall conſent thereto; other than and except a certain Cottage or Tenement and a ſmall Building belonging thereto, ſituate on the North Side of a Street or Lane in the ſaid City, called *Boongate*, in the Occupation of *Henry Pitts* and *Thomas Tebbs*, and alſo a certain Garden, ſituate on the South Side of *Boongate* aforeſaid, in the Occupation of *Elizabeth Holmes*, Widow; and alſo Two ſmall Homeſteads or Yards adjoining to a Place in the Village or Hamlet of *Newark*, called *Newark Spring*.

Money belonging to Corporations, &c. to be laid out in Purchaſe of other Eſtates.

And be it further Enacted, That the Money or Satisfaction to be paid for any Houſes or other Buildings, or Lands, which ſhall be taken or uſed for the Purpoſes of this Act, belonging to any Corporation, or other incapacitated Perſons, or to any Perſon having only an Eſtate for Life, or other ſettled or limited Eſtate in the Premiſſes, ſhall be paid to ſuch Perſon or Perſons as ſuch Corporation, or the Guardians, Truſtees, Committees, or Attornies of ſuch incapacitated or other Perſons ſhall reſpectively nominate and appoint to receive the ſame, in Truſt, with all convenient Speed to be reinveſted in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled upon and ſubject to the like Uſes, Truſts, and Limitations, as the Houſes or other Buildings, or Lands, for or in reſpect whereof ſuch Money ſhall be ſo paid, ſhall be then ſettled, limited, or aſſured.

Perſons chargeable to the Highways to continue ſo.

And be it further Enacted, That all and every Perſon and Perſons, Towns, Pariſhes, Hamlets, and Places, and the Inhabitants thereof, Bodies Politic and Corporate, and the Members thereof, who before the making of this Act hath or have uſed, or of Right ought, by reaſon of the Tenure of any Lands or Hereditaments, or on any other Account or Accounts, to repair any Part or Parts of the Road hereby intended to be repaired, ſhall, notwithſtanding this Act, be ſubject and liable to, and charged and chargeable with ſuch Repairs, in the ſame Manner as they and every of them hath or have heretofore uſually done or ought to do; and that the Inhabitants of the ſeveral Pariſhes, Hamlets, and Places through

Statute Work.

which

which the ſaid Road doth lead, who by the Laws in being are or ſhall be liable to perform Statute Work upon the ſaid Road, ſhall ſtill be ſubject and liable to do the ſame, and ſhall and are hereby required to do and perform ſuch and ſo many Days Work, in every Year, in ſuch Part of the ſaid Road lying within ſuch Pariſhes, Hamlets or Places, and at ſuch Times, and in ſuch Manner, as the ſaid Truſtees, or the Surveyor or Surveyors by them authorized, ſhall direct or appoint; and that every Inhabitant of the ſaid Pariſhes, Hamlets and Places, who ſhall rent, hold or occupy any Lands, Tenements, or Hereditaments of the Yearly Value of Fifty Pounds, ſhall be deemed and adjudged to keep a Team, and ſhall do and perform ſuch Work in and towards repairing the ſaid Road as Perſons keeping Teams are obliged by Law and ought to do.

Surveyors of Highways to give in Liſts of the Perſons who are liable to do Statute Work.

And be it further Enacted, That the Surveyors of the Highways in all and every the ſaid Pariſhes, Hamlets, and Places ſhall, and they are hereby required, within Fourteen Days after Notice in Writing ſigned by the Clerk, Treaſurer, or Surveyor to the ſaid Truſtees ſhall be given to him or them, or left at his or their Houſe or Houſes, or laſt Place or Places of Habitation for that Purpoſe, to return and deliver in to the ſaid Truſtees, at any Meeting or Meetings to be held by them agreeable to ſuch Notice, true and perfect Liſts in Writing, to be verified upon Oath (to be adminiſtered by the ſaid Truſtees) if they ſhall ſo require, of the Names of all the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments in ſuch Pariſhes, Hamlets, and Places reſpectively, that are liable to do or perform Statute Work, and ſhall in ſuch Liſts, and every of them, diſtinguiſh and ſet forth which of ſuch Inhabitants and Occupiers keep a Team or Teams, and the reputed Annual Value of the Lands or Tenements they reſpectively occupy, and which of them are Labourers, or liable to do their Statute Duty as Labourers only; and ſhall, within Six Days after Notice ſhall be given to them, or any of them, by the Surveyor appointed by the ſaid Truſtees, ſpecifying the Time when and the Number of ſuch Inhabitants and Occupiers ſo chargeable as aforeſaid which he or they ſhall require to do and perform their Statute Work in or upon any Part or Parts of the ſaid Road, ſummon or give Notice thereof to the reſpective Perſons ſo chargeable as aforeſaid, and if the Surveyor or Surveyors of any ſuch Pariſh, Hamlet, or Place ſhall not deliver in ſuch Liſts as aforeſaid reſpectively, at or before ſuch Times and in ſuch Manner as by this Act are required and directed to be delivered, or ſhall refuſe to verify the ſame upon Oath, if thereunto required,

or

or if the Name or Names of any Perſon or Perſons which ought to have been inſerted in ſuch Liſts are by Deſign omitted, or if ſuch Surveyor or Surveyors of the reſpective Pariſhes, Hamlets, or Places ſhall refuſe or neglect to give Notice or Summons to ſuch Perſons who ought by Law to do and perform ſuch Statute Work as aforeſaid, according to the Directions of the Surveyor appointed by the ſaid Truſtees, ſuch Pariſh Surveyor or Surveyors, and every of them ſo making Default, ſhall forfeit and pay for every ſuch Default the Sum of Ten Pounds; and if all or any of the Inhabitants or Occupiers of Lands, Tenements, or Hereditaments in the ſeveral Pariſhes, Hamlets, or Places, being obliged by Law to do or perform Statute Work in or upon the Highways, ſhall not do ſo much Statute Work in and upon the ſaid Road, within their reſpective Pariſhes, Hamlets, or Places, at ſuch Times and Places, and in ſuch Manner, as they ſhall by the ſaid Turnpike Surveyor or Surveyors be directed or appointed to do, ſuch Inhabitants and Occupiers, and every of them ſhall, for every ſuch Neglect or Default, forfeit and pay the ſeveral Sums hereinafter mentioned; (that is to ſay) Every ſuch Inhabitant or Perſon who ſhall keep, or by virtue of the Laws in being is compellable to furniſh a Team or Teams, for every Day's Default of every Team the Sum of Ten Shillings; and every Inhabitant or Perſon liable to work on the ſaid Road as a Labourer only, or to find and ſend one or more Labourer or Labourers thereon, for every Day's Default of himſelf and every ſuch Labourer the Sum of One Shilling and Six Pence; and if any Perſon or Perſons who ſhall come as a Labourer or Labourers, or be ſent with any Team or Draught to work on the ſaid Road, ſhall not attend at the Time and Place appointed, or ſhall be found idle or negligent by the Turnpike Surveyor, ſuch Surveyor is hereby impowered to remove and turn off ſuch Perſon and Perſons, and in that Caſe the reſpective Forfeitures and Payments before mentioned ſhall be incurred and become payable, as if ſuch Perſon or Perſons had refuſed or neglected to come, or ſuch Team or Draught had not been ſent out.

Truſtees may compound for Statute Duty.

And be it further Enacted, That it ſhall be lawful for the ſaid Truſtees, at any of their Annual Meetings, to compound and agree with the Inhabitants and Occupiers of Lands, Tenements, and Hereditaments in all or any of the Pariſhes, Hamlets, or Places, through which the ſaid Road doth lead, or with the Surveyors of the Highways for ſuch reſpective Pariſhes, Hamlets, or Places, for the Time being, on their Behalf, or with any of ſuch Inhabitants reſpectively, for a certain Sum of Money by the Year, or otherwiſe, as the ſaid Truſtees ſhall think reaſonable, in lieu of the Statute

Statute Work to be by them or any of them done on the ſaid Road: Provided that ſuch Compoſition Money be paid to the Treaſurer to the ſaid Truſtees in Advance.

Surveyors may remove Annoyances.

And be it further Enacted, That it ſhall be lawful for the ſaid Truſtees, or their reſpective Surveyors, and ſuch Perſons as they ſhall appoint, from Time to Time to remove all Annoyances made on any Part of the ſaid Road by Timber, Stone, Carriages, Saw Pits, Hovels, Filth, Dung, Aſhes, Rubbiſh, Straw or otherwiſe, and diſpoſe of the ſame for the Benefit of the ſaid Road, and to turn any Water Courſes, Sinks, or Drains running along, into, or out of the ſaid Road to the Prejudice thereof, and to open, ſcour, cleanſe, widen, or make deeper any Water Courſes or Ditches adjoining or near thereto, and make the ſame as deep and large as they ſhall think neceſſary, and to cut down any Trees, Shrubs, Wood, or Buſhes growing in the ſaid Road, and alſo to lop any Timber Trees, and to cut down, lop, or top any other Trees, Shrubs, Wood, or Buſhes growing in the Hedges or Banks adjacent to the ſaid Road, or being within Twenty Feet of the Center of the ſaid Road, and to take and carry away the ſame reſpectively, and diſpoſe thereof for the Benefit of the ſaid Road, and to cut and reduce all ſuch Hedges to the Heighth of Four Feet, in caſe the Perſons occaſioning ſuch Annoyances ſhall neglect to remove the ſame, or the Owners or Occupiers of the Lands ſhall neglect to open, ſcour, cleanſe, widen, or deepen ſuch Water Courſes or Ditches, or to cut down, or lop or top, and remove ſuch Trees, Shrubs, or Buſhes, or reduce ſuch Hedges in ſuch Manner as the ſaid Surveyor or Surveyors ſhall require, for the Space of Fourteen Days next after Notice in Writing given for thoſe reſpective Purpoſes under the Hand of ſuch Surveyor, the Charges whereof (to be ſettled by the ſaid Truſtees) ſhall be reimburſed to ſuch Surveyor by ſuch Owners or Occupiers, the ſame to be recovered in ſuch Manner as Penalties and Forfeitures are hereinafter directed to be recovered; and ſuch Owners or Occupiers ſo neglecting to open, deepen, and cleanſe ſuch Water Courſes or Ditches, or to cut and reduce ſuch Hedges within the Time aforeſaid after ſuch Notice given, ſhall likewiſe forfeit, for every Foot in Length thereof, the Sum of One Penny over and beſides the Charges to be ſettled as aforeſaid; and if after Removal of any of the ſaid Annoyances any Perſon ſhall again offend in the like kind every ſuch Perſon ſhall, for every ſuch ſubſequent Offence, forfeit the Sum of Forty Shillings.

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Penalty for drawing Timber, &c. except on Wheel Carriages.

And be it further Enacted, That if any Perſon or Perſons ſhall cauſe to be drawn upon any Part of the ſaid Road, any Tree or Piece of Timber, or any Stone, otherwiſe than upon a Wheel Carriage, or ſhall ſuffer any Part of any Tree or Piece of Timber which ſhall be conveyed upon any Wheel Carriage to drag or trail upon any Part of the Road, or ſhall cauſe to be drawn any Plough or Harrow upon or acroſs the ſaid Road, or any Part thereof, whereby the ſaid Road ſhall or may be prejudiced, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

Surveyors may make Cauſeways, &c.

And be it further Enacted, That it ſhall be lawful for the reſpective Surveyors, and ſuch Perſons as they ſhall appoint by Order of the ſaid Truſtees, to make, or cauſe to be made, Cauſeways, Drains, and Ditches, and to erect Arches and Bridges in and upon or on the Sides of the ſaid Road, or in any Grounds lying contiguous or near thereto, and to keep in Repair ſuch Bridges and Arches, and ſcour ſuch Ditches and Drains; and alſo to make, or cauſe to be made, a Road through the Grounds adjoining to any narrow or ruinous Part of the ſaid Road (not being the Ground whereon any Houſe or other Buildings ſtand, or a Garden, Orchard, Yard adjoining to a Houſe, Park, Planted Walk, or Avenue to any Houſe, or an incloſed Ground planted and ſet apart as a Nurſery for Trees) to be made uſe of by all Paſſengers, Cattle, Carriages, or otherwiſe as a public Highway, whilſt the old Road is repairing or widening, and till ſuch Time as it ſhall be convenient for Paſſengers and Carriages to paſs through the ſame, making ſuch Satisfaction to the Owners and Occupiers of ſuch Grounds reſpectively through which any ſuch Drain or Ditch ſhall be made or cut, or on which any ſuch Arch or Arches, Bridge or Bridges, ſhall be made, or through which any ſuch temporary Road ſhall be made, for the Damages which ſuch Owners and Occupiers reſpectively ſhall or may thereby ſuſtain, as ſhall be adjudged reaſonable by the ſaid Truſtees, and in caſe of a Difference concerning the ſame between ſuch Owners or Occupiers and the ſaid Truſtees, then it ſhall be lawful for the Juſtices of the Peace, at the next General Quarter Seſſions for the County or Place where the Matter ſhall ariſe, or at their Second General Quarter Seſſions, or at any Adjournment thereof at the fartheſt, to hear, ſettle, adjudge, and finally determine the Recompence which ſhall be made to ſuch Owners or Occupiers for the Damages they ſhall have ſuſtained as aforeſaid.

And be it further Enacted, That the ſeveral Perſons who have ſubſcribed or ſhall ſubſcribe Money towards amending and repairing the ſaid Road, ſhall and are hereby required to pay the reſpective Sums ſo ſubſcribed within ſuch Time or Times, and in ſuch Parts and Proportions, as the ſaid Truſtees ſhall order and direct, and the ſame ſhall be paid to the Treaſurer to the ſaid Truſtees, and if any ſuch Subſcriber ſhall neglect or refuſe to pay ſuch Money as aforeſaid, it ſhall be lawful for the ſaid Truſtees to ſue for and recover the ſame by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*. Power to compel Payment of Subſcriptions.

And be it further Enacted, That all Penalties and Forfeitures hereby inflicted or authorized to be impoſed (the Manner of levying and Recovery whereof is not hereby otherwiſe directed) ſhall, upon Proof of the Offences reſpectively before any Juſtice of the Peace for the County or Place wherein the Offender ſhall reſide, or the Offence be committed, either by the Confeſſion of the Party offending, or by the Oath of any credible Witneſs, be levied by Diſtreſs and Sale of the Goods and Chattels of the Party offending by Warrant under the Hand and Seal of ſuch Juſtice (which Warrant ſuch Juſtice is hereby impowered and required to grant for thoſe Purpoſes, and to adminiſter ſuch Oath *gratis*) and the Overplus remaining after ſuch Penalties and Forfeitures, and the Charges of ſuch Diſtreſs and Sale, are recovered and deducted, ſhall be returned upon Demand unto the Owner of ſuch Goods and Chattels, and all Penalties and Forfeitures by this Act inflicted, when paid or levied, if not otherwiſe directed to be applied by this Act, ſhall be from Time to Time paid to the Treaſurer to the ſaid Truſtees, and applied for the Purpoſes of this Act; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be forthwith paid, it ſhall be lawful for any ſuch Juſtice of the Peace as aforeſaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe ſuch Offender to be committed to the Common Gaol, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied. Recovery of Penalties.

And, for the more eaſy and ſpeedy Conviction of Offenders againſt this Act, **Be it further Enacted,** That the Juſtice of the Peace before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſhall and may cauſe the Conviction

to

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to be drawn up in the following Form, or to the like Effect; *videlicet*:

Form of Conviction.

" Be it remembered, That on the Day of
" in the Year of our Lord *A. B.* is con-
" victed before me *C. D.* one of His Majeſty's Juſtices
" of the Peace for the County of [*ſpecifying*
" *the Offence, and Time and Place when and where the ſame*
" *was committed, as the Caſe ſhall be.*] Given under my
" Hand and Seal, the Day and Year abovementioned."

Appeal.

Provided always, and be it further Enacted, That if any Perſon ſhall think him or herſelf aggrieved by any Thing done in purſuance or by virtue of this Act (except in ſuch Caſes where the final Determination is hereinbefore directed) every ſuch Perſon may appeal to the Juſtices at any General Quarter Seſſions of the Peace to be holden in and for the County or Place, within Four Calendar Months after the Cauſe of Complaint ſhall have ariſen; ſuch Appellant firſt giving or cauſing to be given Eight Days Notice at leaſt, in Writing, of his or her Intention to bring ſuch Appeal, and of the Matter thereof, to the Clerk or Treaſurer to the ſaid Truſtees, and within Two Days after ſuch Notice, entering into Recognizance before ſome Juſtice of the Peace for ſuch County or Place, with Two ſufficient Sureties, conditioned to try ſuch Appeal, and abide the Order of, and to pay ſuch Coſts as ſhall be awarded by the Juſtices at ſuch Quarter Seſſions; and the ſaid Juſtices at ſuch Seſſions, upon due Proof of ſuch Notice being given as aforeſaid, and of the entering into ſuch Recognizance, ſhall hear and finally determine the Cauſes and Matters of ſuch Appeal in a ſummary Way, and award ſuch Coſts to the Party appealing, or appealed againſt, as they the ſaid Juſtices ſhall think proper; and the Determination of ſuch Quarter Seſſions ſhall be final, binding, and concluſive to all Intents and Purpoſes.

Proceedings not to be quaſhed for Want of Form, or removeable by *Certiorari*.

And be it further Enacted, That no Order made touching or concerning any of the Matters in this Act contained, or any Proceedings to be had touching the Conviction of any Offender againſt this Act, ſhall be quaſhed, vacated, or diſcharged for Want of Form only, or be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*; and that where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue

virtue of this Act, the Diſtreſs itſelf ſhall not be deemed to be unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceedings relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers *ab initio*, on Account of any Irregularity which ſhall be afterwards done by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the ſpecial Damage (if any) in an Action upon the Caſe; but no Plaintiff ſhall recover in any Action for ſuch Irregularity as aforeſaid, if Tender of ſufficient Amends hath been made, by or on the Behalf of the Party diſtraining, before ſuch Action brought.

Proceedings to be entered.

And be it further Enacted, That all Orders and Proceedings of the Truſtees, at their ſeveral Meetings, ſhall be entered in a Book or Books to be kept for that Purpoſe, and ſuch Orders and Proceedings ſo entered and ſigned by a competent Number of the ſaid Truſtees as the Caſe ſhall require, ſhall be deemed to be Originals; and which ſaid Book or Books, and alſo the Book or Books directed to be kept for regiſtering the aforeſaid Mortgages, ſhall be admitted as Evidence in all Courts whatſoever.

Limitation of Actions.

Provided always, and be it further Enacted, That no Action or Suit ſhall be commenced or brought againſt any Perſon or Perſons for any Thing done in purſuance of this Act, until Twenty-one Days Notice ſhall be thereof given to the Clerk or Treaſurer to the ſaid Truſtees, nor after ſufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed; and every Action or Suit ſhall be laid, brought, and tried in the County or Place where ſuch Matters and Things reſpectively ſhall be committed or done, and not elſewhere; and that the Defendant or Defendants in every ſuch Action and Suit may plead the General Iſſue, and give this Act, and the ſpecial Matter, in Evidence on any Trial or Trials which ſhall be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if the ſame ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall be brought before Twenty-one Days Notice thereof ſhall be given as aforeſaid, or after a ſufficient Satisfaction made or tendered as aforeſaid, or after the Time hereinbefore limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, the Jury ſhall find for the De-

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ſendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall be nonſuited, or diſcontinue his, her, or their Action or Suit after the Defendant or Defendants ſhall have appeared, or if upon Demurrer Judgment ſhall be given againſt the Plaintiff or Plaintiffs, then the Defendant or Defendants ſhall recover Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for Coſts in any other Caſes by Law.

Commencement and Continuance of the Act.

And be it further Enacted, That this Act ſhall commence and take Place upon the Firſt Day of *June* One thouſand Seven hundred and Ninety-two, and ſhall have Continuance for and during the Term of Twenty-one Years, and from thence to the End of the then next Seſſion of Parliament.

Public Act.

And be it further Enacted, That this Act ſhall be deemed, adjudged, and taken to be a Public Act, and be judicially taken Notice of as ſuch by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

A N

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FOR

Amending, widening, and keeping in Repair, the Road leading from *Swanſpool Bridge*, in the City of *Peterborough*, to the Town of *Thorney*, in the *Iſle of Ely*, in the County of *Cambridge*; and for altering the Courſe of ſome Part of the ſaid Road.

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32 *Geo.* III.
1792.

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